

NOTICE IS HEREBY GIVEN that Ordinance #17-18 was introduced and passed on first reading at the regular meeting of the Mayor and Council on the 30th day of May, 2017 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 20th day of June, 2017 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE NO. 17-18

AN ORDINANCE OF THE BOROUGH OF WESTWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 59 OF THE BOROUGH CODE OF THE BOROUGH OF WESTWOOD – REVISED 6/20/17

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WESTWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, THAT §§59-10, 59-11, 59-12, 59-13 AND 59-14 OF THE BOROUGH CODE ARE HERBY AMENDED IN THEIR ENTIRETY TO READ AS FOLLOWS:

§59-10 Promotion of Officers

A. Goals. The Borough of Westwood desires to promote the most qualified candidates to the ranks of Chief, Captain, Lieutenant and Sergeant. This section establishes the eligibility requirements and the process for promotion to those ranks. The promotion process shall be on the basis of merit, experience/seniority, education, military service, demonstrated ability, competitive written examinations and competitive oral examinations as noted herein. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Westwood Police Department. In accordance with N.J.S.A. 40A:14-118, all promotions within the Westwood Police Department shall be made by the Governing Body, except as to the Chief of Police, whose promotion/appointment shall be made by the Mayor with the consent and approval of the Governing Body.

B. Eligibility requirements.

- (1) **Sergeant.** For promotion to Sergeant, no person shall be eligible for such promotion unless he or she:
 - (a) Shall have served as a full-time police officer in the Westwood Police Department for at least five years;

- (b) Shall have met or exceeded all Westwood Police Department standards in his or her three most recent annual performance evaluations conducted by his or her superiors; and
 - (c) Shall possess (i) an associate's degree; or (ii) 64 college credits; or (iii) 32 college credits combined with four (4) or more years of military service with an honorable discharge. This education requirement shall not apply to officers employed by the Westwood Police Department as of the date of the adoption of this ordinance.
- (2) **Lieutenant.** For promotion to Lieutenant, no person shall be eligible for such promotion unless he or she:
- (a) Shall have served as a full-time officer on the Westwood Police Department for at least eight (8) years;
 - (b) Shall have served at least three (3) years as a full-time Sergeant for the Westwood Police Department;
 - (c) Shall have met or exceeded all Westwood Police Department standards in his or her three most recent annual performance evaluations conducted by his or her superiors; and
 - (d) Shall possess (i) an associate's degree; or (ii) 64 college credits; or (iii) 32 college credits combined with four (4) or more years of military service with an honorable discharge. This education requirement shall not apply to officers employed by the Westwood Police Department as of the date of the adoption of this ordinance.
- (3) **Captain.** For promotion to Captain, no person shall be eligible for such promotion unless he or she:
- (a) Shall have served at least ten (10) years as a full-time officer on the Westwood Police Department. In determining such length of service, four (4) or more years of military service with honorable discharge shall be the equivalent of one (1) year of employment as a full-time officer for the Westwood Police Department.
 - (b) Shall have served at least three years as a full-time Sergeant and/or Lieutenant for the Westwood Police Department;
 - (c) Shall have met or exceeded all Westwood Police Department performance standards in his or her three most recent annual performance evaluations conducted by his or her superiors; and
 - (d) Shall possess a bachelor's degree or higher. This education requirement shall not apply to officers employed by the Westwood Police Department as of the date of the adoption of this ordinance.
- (4) **Chief of Police.** For promotion to Chief of Police, no person shall be eligible for such promotion unless he or she:
- (a) Shall have served, in the aggregate, for at least five years as a full-time Captain, Lieutenant, and/or Sergeant for the Westwood Police Department;
 - (b) Shall have met or exceeded all Westwood Police Department performance standards in his or her

three most recent annual performance evaluations conducted by his or her superiors; and

- (c) Shall possess a bachelor's degree or higher.

C. Process.

- (1) In creating the list of eligible candidates for promotion to Sergeant, the Governing Body shall score/rank each such candidate as follows:
 - (a) A written test relating to the duties, responsibilities and job functions of the position being sought, to be prepared and administered by the New Jersey State Association of Police Chiefs (or prepared and administered such other person, association or organization, as may be authorized by the Governing Body). The written test shall constitute (30%) percent of the overall total score for each eligible candidate, based on a test that contains a maximum value of 100 points. For example, a candidate who receives 70 points out of the total of 100 possible total points for the written test shall receive 21 points towards the overall total score ($70 \text{ points} \times 30\% = 21 \text{ points}$). In advance of such written test, the minimum threshold/score required to be eligible for promotion shall be established by the Governing Body, and such minimum threshold/score shall be communicated, in writing, to all eligible candidates for promotion prior to their taking said test. Only those candidates who achieve such minimum score shall be eligible to continue forward in the promotion process for promotion to Sergeant.

A ranked list of eligible candidates for promotion shall be created based on the outcome of the aforesaid written test.

- (b) Each eligible candidate who has received on the written test the minimum score required to continue forward in the promotion process shall be interviewed by an Oral examination administered by an Interview Panel (the "Interview Panel") comprised of the following persons: the Chief of Police, the Borough Administrator, and no more than the next two (2) highest ranking command staff members of the Westwood Police Department if they exist.
 - i. Only those candidates who have achieved the written test minimum score or greater (out of the maximum of 100 points) on the written examination shall be permitted to sit for an oral examination by said Interview Panel. Oral examinations by the Interview Panel shall take place after the receipt of the written examination scores.
 - ii. Said Interview Panel's oral examination and assessment (which examination and assessment shall have 100 points as its maximum score) shall account for thirty (30%) percent of the candidate's total promotional score, with 30 total points being the highest possible score for such oral examination and assessment. By way of example, a candidate receiving a score of 80 points on his/her oral examination by said Interview Panel shall receive 24 total points for said Interview Panel's oral examination element of the promotional process ($80 \times 30\% = 24 \text{ total points}$).

The oral examination and assessment by said Interview Panel shall include an evaluation of the following criteria: commendations, employee reviews, disciplines and early intervention summaries, annual performance evaluations, merit, productivity, demonstrated ability and accomplishments, efforts supporting department goals and objectives, in-service education and specialized schools, specialized job assignments, responsibilities, subsequent performance, attitude and demeanor, education, military experience, seniority, leadership ability, initiative, productivity,

attitude toward peers, supervising officers recommendations, motivation and morale, previous job performance, loyalty to the department and community, experience and career development training. Said Interview Panel shall utilize the same criteria for each of the candidates who are interviewed for the open position(s).

- (c) After being interviewed by said Interview Panel, each eligible candidate who has received on the written test the minimum score required to continue forward in the promotion process shall be interviewed by the Borough Police Committee. All candidates so interviewed by the Borough Police Committee shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the scores of all Police Committee members. The results of such oral interview by the Police Committee, and its consideration of the candidate's past performance based upon evaluations conducted during the preceding three years shall constitute forty (40%) percent of the overall total score for each candidate based on the average score of all Police Committee members of such oral interview. The total possible points for this oral interview shall be 100 points. For example, a candidate who receives a total of 60 points out of the total of 100 possible total points for this oral interview shall receive 24 points towards his/her overall total score ($60 \text{ points} \times 40\% = 24 \text{ points}$).
- (2) In creating the list of eligible candidates for promotion to Chief of Police, Captain, or Lieutenant, the Governing Body shall score/rank each such candidate as follows:
 - (a) For promotion to the position of Chief of Police, each eligible candidate shall be interviewed by an Interview Panel comprised of the Borough Police Committee and the Borough Administrator ("Interview Panel"). All candidates so interviewed by said Interview Panel shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the scores of all said Interview Panel members. The results of such oral interview by said Interview Panel, and its consideration of the candidate's past performance based upon evaluations conducted during the preceding three years, shall constitute 65% of the overall total score for each eligible candidate based on the average score of all said Interview Panel members of such oral interview. The total possible points for this oral interview shall be 100 points. For example, a candidate who receives a total of 90 points for this oral interview shall receive 58.5 points towards his/her overall total score ($90 \times 65\% = 58.5 \text{ points}$).
 - (b) For promotion to the positions of Captain or Lieutenant, each eligible candidate shall be interviewed by an Interview Panel comprised of the Borough Police Committee, the Borough Administrator, the Chief of Police, and the next highest ranking command staff member, if one exists ("Interview Panel"). All candidates so interviewed by said Interview Panel shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the scores of all said Interview Panel members. The results of such oral interview by said Interview Panel, and its consideration of the candidate's past performance based upon evaluations conducted during the preceding three years, shall constitute 65% of the overall total score for each eligible candidate based on the average score of all said Interview Panel members of such oral interview. The total possible points for this oral interview shall be 100 points. For example, a candidate who receives a total of 90 points for this oral interview shall receive 58.5 points towards his/her overall total score ($90 \times 65\% = 58.5 \text{ points}$).
 - (c) Each eligible candidate for Chief of Police, Captain and Lieutenant shall be interviewed by the Governing Body. All candidates to be interviewed by the Governing Body shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the scores of all Governing Body members. The results of such oral interview by the Governing Body shall constitute 35% of the overall total score for each eligible candidate based on the average

score of all Governing Body members of such oral interview. The total possible score for this oral interview shall be 100 points. For example, a candidate who receives a total of 80 points for this oral interview shall receive 28 points toward his/her overall total score (80 points x 35% = 28 points).

- (3) The candidate(s) for promotion to Sergeant receiving the highest score(s) as calculated by reference to Subsection C(1)(a), (b) and (c) above shall be deemed the first candidate eligible for promotion. The candidate(s) for promotion to Captain or Lieutenant receiving the highest score as calculated by reference to Subsection C(2)(b) and C(2)(c) above shall be deemed the first candidate(s) eligible for promotion. The candidate(s) for promotion to Chief of Police receiving the highest score(s) as calculated by reference to Subsection C(2)(a) and C(2)(c) above shall be deemed the first candidate(s) eligible for promotion.
- (D) Notwithstanding anything in this chapter to the contrary, the Borough of Westwood reserves the right to waive the written examination and/or oral interview components of the promotional process, when the number of eligible candidates for a particular position is equal to or less than the number of vacant positions and the Borough intends to fill all vacant positions. If the Borough elects to so waive the written examination and/or oral interview components, all other components of the promotional process within this section not so waived shall remain in effect.
- (E) Notwithstanding anything in this chapter to the contrary, the Borough of Westwood reserves the right to relax and/or waive the eligibility requirements for a particular position(s) if the number of eligible candidates for such position(s) is less than the number of vacant positions and the Borough intends to fill all vacant positions. If the Borough so elects to relax or waive the eligibility requirements, all candidates for the particular position(s), including those who are eligible as a result of the waiver or relaxation of such requirements, shall not be required to undergo or participate in the applicable process set forth in Section 59-10C hereinabove.

§ 59-11 Duration of eligibility lists.

- A. A list of the results will be posted and an eligibility list will remain in effect for a period of 24 months from the date of posting. Candidates may review their individual results through the Chief of Police.
- B. After the expiration of the eligibility list, candidates will be required to reapply for any subsequent promotional process.

§ 59-12 Appeals.

- A. Any appeal of the promotional process other than for the reasons set forth in Subsections A(1) and A(2) herein below must be filed within 10 days of the posting of ranking of candidates, and failing same, such right of appeal shall be deemed waived. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police, through the appropriate chain of command. The Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis. Such requests are limited to the following areas of the promotional process:
 - (1) Review and retabulation of the scored elements of the selection process.
 - (2) Review of any evaluation or internal document that was used in the selection process related to the applicant.
- B. Any appeal, for reasons other than those specified in Subsection A(1) and A(2) above, must be filed, in writing, by a candidate with the Appropriate Authority, within 10 days of the posting of the ranking of candidates. Any such appeal will be forwarded by the appropriate authority to the

Governing Body which may, in its sole discretion, allow the candidate to be reevaluated.

C. All determinations by Chief of Police or the Governing Body are final.

§ 59-13 Repeal.

The provisions of any and all ordinances or resolutions of the Borough which are inconsistent with or which conflict with the provisions §59-10 through 59-12 be and hereby are repealed.

Except as modified herein, all other provisions of Chapter 59 shall remain in full force and effect as previously adopted.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk